

# Memorandum



**Date:** April 24, 2007

**To:** Honorable Chairman Bruno A. Barreiro and Members,  
Board of County Commissioners

Agenda Item No. 8(D)(1)(A)

**From:** George M. Burgess  
County Manager

**Subject:** Resolution Authorizing Approval of a County Deed for the Conveyance of a Canal Right-of-Way by Miami-Dade County to 41 Street Development Corporation (WC-855)

**Loc:** Commission District 12 – Approximately N.W. 117 Avenue and N.W. 50 Street

## **RECOMMENDATION**

It is recommended that the Board approve the attached Resolution authorizing execution of a County Deed for the conveyance of a 70 foot canal right-of-way no longer needed by Miami-Dade County to 41 Street Development Corporation.

## **BACKGROUND**

On January 19, 1971, Miami-Dade County acquired at no cost a 70-foot canal right-of-way by virtue of a right-of-way deed executed by How-Doo Rock Company, Inc., recorded in Plat Book 7118 at Page 349 of the Public Records of Miami-Dade County, Florida. Said right-of-way deed was granted to the County for a canal to be located in the Southeast One Quarter (SE1/4) of Section 24, Township 53 South, Range 39 East. However, the Water Control Master Plan shows no existing or proposed canal planned for that location. In addition, the subject property is located within the protected area of the Northwest Wellfield where Miami-Dade County has no current or future plans to construct a canal. Therefore, said canal right-of-way is no longer needed for canal purposes by Miami-Dade County.

41 Street Development Corporation, the current owner of the property contiguous to the aforementioned canal right-of-way, acting as successors in interests to How-Doo Rock Company, Inc., has petitioned the County to vacate this 70-foot canal right-of-way.

The Department of Environmental Resources Management has reviewed this request, and recommends approval of the attached County Deed by the Board.

  
Assistant County Manager



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

**DATE:** April 24, 2007

**FROM:** Murray A. Greenberg  
County Attorney

A handwritten signature in black ink, appearing to read "Murray A. Greenberg", is written over the printed name of the County Attorney.

**SUBJECT:** Agenda Item No. 8(D)(1)(A)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved \_\_\_\_\_ Mayor

Veto \_\_\_\_\_

Override \_\_\_\_\_

Agenda Item No. 8(D)(1)(A)

04-24-07

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AUTHORIZING APPROVAL OF A  
COUNTY DEED FOR THE CONVEYANCE OF A  
CANAL RIGHT-OF-WAY BY MIAMI-DADE COUNTY  
TO 41 STREET DEVELOPMENT CORPORATION, IN  
THE SOUTHEAST ONE QUARTER (S.E. ¼) OF  
SECTION 24, TOWNSHIP 53 SOUTH, RANGE 39  
EAST

WHEREAS, this Board desires to accomplish the purposes outlined in the  
accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY  
COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves the  
execution of a County deed for the conveyance by Miami-Dade County of a canal right of way to  
41 Street Development Corporation, in the Southeast One Quarter (S.E. ¼) of Section 24,  
Township 53 South, Range 39 East, in substantially the form attached hereto and made a part  
hereof, and authorizes its execution by the Mayor and its recording into the Public Records of  
Miami-Dade County.

The foregoing resolution was offered by Commissioner \_\_\_\_\_,  
who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_  
and upon being put to a vote, the vote was as follows:

	Bruno A. Barreiro, Chairman	
	Barbara J. Jordan, Vice-Chairwoman	
Jose "Pepe" Diaz		Audrey M. Edmonson
Carlos A. Gimenez		Sally A. Heyman
Joe A. Martinez		Dennis C. Moss
Dorrin D. Rolle		Natacha Seijas
Katy Sorenson		Rebeca Sosa
Sen. Javier D. Souto		

The Chairperson thereupon declared the resolution duly passed and adopted this 24<sup>th</sup> day of April, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Peter S. Tell

Return to:

W.C. 855

Water Control Section .

1 of 2

Miami-Dade County Department of .

Environmental Resources Management .

33 S.W. 2<sup>nd</sup> Avenue, Suite 200 .

Miami, FL 33130-1540 .

Instrument prepared by:

Walid Abusad

Miami-Dade County Department of .

Environmental Resources Management .

33 S.W. 2<sup>nd</sup> Avenue, Suite 200 .

Miami, FL 33130-1540 .

---

**COUNTY DEED**

THIS DEED, made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between MIAMI-DADE COUNTY, a political subdivision of the State of Florida, whose address is 111 N.W. 1st Street, Miami, Florida 33128-1970, party of the first part, and 41 Street Development Corporation, whose address is 15500 N.W. Barn Road, Suite 104, Miami Lakes, Florida 33014, party of the second part;

**WITNESSETH:**

That the said party of the first part, for and in consideration of the sum of Ten Dollars (\$10.00) to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part, its successors and assigns forever, the following described lands, lying and being in the County of Miami-Dade, State of Florida, to-wit:

That portion of the South 70 feet of the North 335 feet of the Southeast One Quarter (SE ¼) of Section 24, Township 53 South, Range 39 East, which lies within the plat of CARVERVILLE GARDENS, as recorded in Plat Book 47 at Page 71 of the Public Records of Miami-Dade County, less the East 80 feet thereof for canal reservation

5

This grant conveys only the interest of the County and its Board of County Commissioners in the property herein described, and shall not be deemed to warrant the title or to represent any state of facts concerning the same.

IN WITNESS WHEREOF, the said party of the first part, has caused these presents to be executed in its name by its Board of County Commissioners, acting by the Mayor and the Clerk or Deputy Clerk of said Board, the day and year aforesaid.

ATTEST:

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

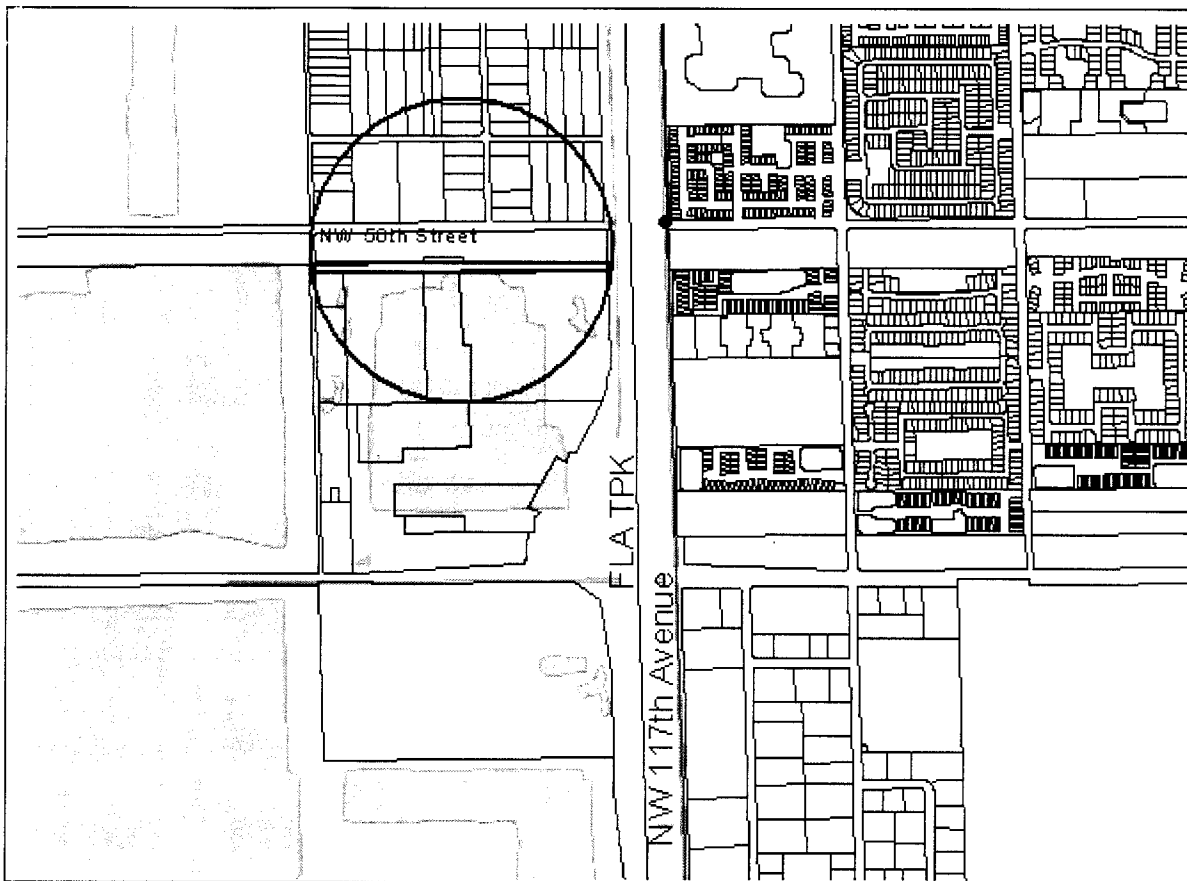
HARVEY RUVIN  
CLERK OF SAID BOARD

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Carlos Alvarez, Mayor

Print: \_\_\_\_\_

The foregoing was authorized and approved by Resolution No. \_\_\_\_\_ of the Board of County Commissioners of Miami-Dade County, Florida, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.



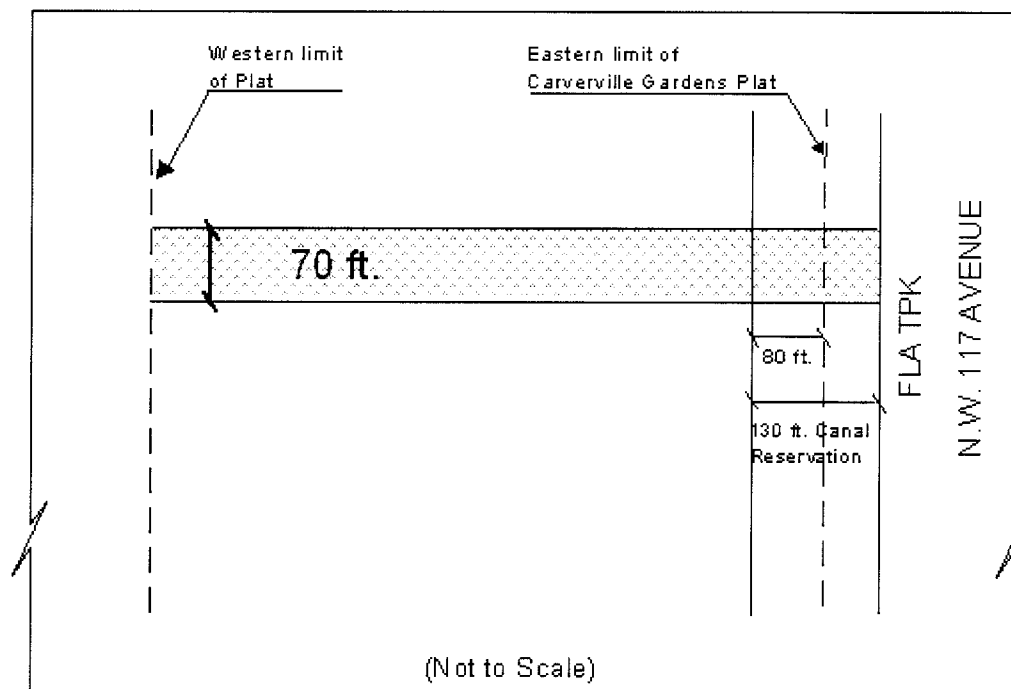
W.C. 855

Sec. 24

Twp. 53

Rge. 39

## Location Map



 70 ft. Canal Right of Way to be Quit Claimed

7